

## REMARKS

Applicant is in receipt of the Office Action mailed June 4, 2007, in which claims 1-22 were rejected. Claims 1-19 have been amended. Claims 21 and 22 have been canceled. Reconsideration of the case is earnestly requested in light of the following remarks.

### Provisional Double-Patenting Rejections

Claims 1-22 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-20 of co-pending application serial no. 11/229,965. Applicant respectfully requests that this rejection be held in abeyance until the claims of the '965 application are issued.

### Section 101 Rejections

Claims 14-20 were rejected under 35 U.S.C. 101 as not being directed to non-statutory subject matter. These claims have been amended to recite a computer-readable memory medium. Applicant submits that a computer-readable memory medium is statutory subject matter and respectfully requests removal of the rejections under 35 U.S.C. 101.

### Section 103 Rejections

Claims 1-22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Frolund et al. (U.S. Patent No. 6,434,555 B1, hereinafter "Frolund") in view of Johnson et al. (U.S. Patent No. 6,338,146 B1, hereinafter "Johnson"). Applicant respectfully traverses these rejections.

Frolund relates generally to a three-tiered transaction processing system including a client tier, server tier, and database tier. At Col. 6, lines 5-26 Frolund teaches a two-phase commit protocol. The Office Action relies substantially on this teaching to reject the present claims. However, Applicant respectfully submits that Frolund does not teach the limitations recited in the present claims. In particular, claim 1 recites in pertinent part:

in response to receiving a reply to the first message from at least a quorum of the participant nodes, sending a second message to the plurality of participant nodes;

in response to receiving a reply to the second message from at least a quorum of the participant nodes:

returning an indication to the client application that the request was successfully processed; and

sending a third message to the plurality of participant nodes, wherein the third message instructs the participant nodes to commit the transaction.

Applicant respectfully submits that Frolund does not teach these limitations in combination with the other limitations recited in claim 1.

With respect to the limitation of, “sending a second message to the plurality of participant nodes,” the Examiner has equated the second message with Frolund’s commit message 426. With respect to the limitation of, “sending a third message to the plurality of participant nodes,” the Examiner has equated the third message with Frolund’s forget message 438. However, Frolund does not teach that the forget message 438 instructs the participant nodes to commit the transaction, as required by claim 1. Instead, it is the commit message 426 that causes the transaction to be committed, as well known to those familiar with two-phase commit protocols such as the protocol taught by Frolund (See Col. 6, line 6 and lines 12-16).

Applicant thus respectfully submits that Frolund and Johnson, taken either singly or in combination, do not teach the subject matter recited in independent claim 1, and thus, claim 1 is patentably distinct over these references. Inasmuch as the independent claims 12, 14, and 18 recite similar limitations as those discussed above, Applicant respectfully submits that these claims are also patentably distinct over the cited references.

Applicant thus respectfully submits that all of the independent claims are patentably distinct over the cited references. Since the independent claims have been shown to be patentably distinct, Applicant respectfully submits that the dependent claims are also patentably distinct, for at least this reason. Applicant also respectfully submits that numerous ones of the dependent claims recite further distinctions over Frolund and

Johnson. However, since the independent claims have been shown to be patentably distinct, a further discussion regarding the dependent claims is not necessary at this time.

## CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5760-18600

Respectfully submitted,



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